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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-156

13 **LOREE A. GOFF, A.K.A.**
14 **ALBERTA LOREE GILMETTE, A.K.A.**
15 **ALBERTA LOREE SHOGREN GOFF**
16 **KEISTER GILMETTE**
17 **P.O. Box 215634**
18 **Sacramento, California 95821**
19 **Registered Nurse License No. 312963**

A C C U S A T I O N

Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Louise R Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
24 Department of Consumer Affairs.

25 **Registered Nurse License**

26 2. On or about March 31, 1980, the Board issued Registered Nurse License Number
27 312963 to Loree A. Goff, also known as Alberta Loree Gilmette and Alberta Loree, Shogren Goff
28 Keister Gilmette ("Respondent"). The registered nurse license was in full force and effect at all
times relevant to the charges brought herein and will expire on July 31, 2011, unless renewed.

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

REGULATORY PROVISION

7. California Code of Regulations, title 16, section 1442, states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **BACKGROUND**

4 9. G.M. is a 63 year-old female who is morbidly obese and a bed ridden paraplegic
5 with a remote spinal cord infection, underlying respiratory conditions, and a history of chronic
6 urinary tract infections. On or about August 1, 2006, G.M. was discharged from Mercy San Juan
7 Hospital after a prolonged hospitalization for respiratory failure and pneumonia. G.M.'s daughter
8 was providing some day to day care for G.M. On August 11, 2006, Respondent, who was a
9 registered nurse employed by Eskaton Home Care, went to G.M.'s home for an initial evaluation
10 to determine whether G.M. was a candidate for home health services.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Gross Negligence)**

13 10. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(1),
14 on the grounds of unprofessional conduct, in that on August 11, 2006, while on duty as a
15 registered nurse for Eskaton Home Care of Fair Oaks, and performing a home health care
16 evaluation/assessment of patient G.M., Respondent committed acts constituting gross negligence
17 as defined in California Code of Regulations, title 16, section 1442. Respondent failed to insure
18 that G.M.'s foley catheter bag, which was full upon Respondent's arrival, was drained, either by
19 G.M.'s daughter or herself before Respondent left the patient's residence.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct)**

22 11. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on
23 the grounds of unprofessional conduct, in that on August 11, 2006, while on duty as a registered
24 nurse for Eskaton Home Care of Fair Oaks, and performing home health care for patient G.M.,
25 Respondent committed acts constituting unprofessional conduct, as follows:

- 26 a. Respondent failed to report her concerns about G.M.'s unsafe living conditions to her
27 supervisor and Adult Protective Services.
- 28 b. As more particularly set forth in paragraph 10, above.

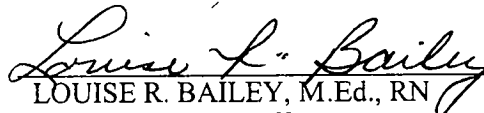
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 312963, issued to Loree A. Goff, also known as Alberta Loree Gilmette and Alberta Loree Shogren Goff Keister Gilmette;
2. Ordering Loree A. Goff, also known as Alberta Loree Gilmette and Alberta Loree Shogren Goff Keister Gilmette to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

9/15/09


LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant